

PUBLICANS' HOUSE MANAGEMENT.

Title. *An ACT to Regulate the Management of Houses held by Persons Licensed to sell Alcoholic Liquors.*

Session XXVII., No. 3.]

[Assented to 18th May, 1874.

Preamble.

WHEREAS by an Act passed in the last session of the General Assembly shortly intituled "The Licensing Act 1873" for the purpose of regulating the issue of licenses for the sale of intoxicating liquors in New Zealand hereinafter referred to as "the said Act" it is enacted that the said Act shall be taken and read as part of any existing Provincial Act or Ordinance or any Act or Ordinance thereafter passed by any Provincial Council for the purpose of licensing or regulating the sale of alcoholic liquors Provided that no clause in any such Act or Ordinance shall be valid or capable of being enforced if in conflict with any of the provisions of the said Act.

And whereas it is expedient that the Ordinances of New Munster enumerated in the first part of the first Schedule hereto should be repealed so far as they relate

to the Province of Wellington and that the Acts of the Provincial Council of Wellington enumerated in the second part of the first schedule hereto should also be repealed and that provision should be made for the proper management of all houses within the Province held by persons licensed under the said Act and for regulating the amount and payment of the fees payable on account of licenses issued under the provisions of the said Act :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Wellington by and with the advice and consent of the Provincial Council thereof as follows :—

1. The Short Title of this Act shall be "The Wellington Publicans' House Management Act 1874" and it shall come into operation on the first day of July one thousand eight hundred and seventy four which day is hereinafter called the commencement of this Act.

Short Title.
Commence-
ment of Act.

2. From and after the commencement of this Act the Ordinances of New Munster mentioned in the first part of the first schedule hereto shall so far as they relate to or affect the Province of Wellington be and the same are so far hereby repealed and the Acts of the Superintendent and Provincial Council of Wellington mentioned in the second part of the said schedule shall be and the same are hereby repealed Provided that any penalties incurred under the provisions of the said Ordinances or Acts or any of them previous to the commencement of this Act may be recovered and enforced in like manner as if this Act had not been passed.

Repeal of
Ordinances
and Acts.
First Schedule

3. In this Act the words "the said Act" shall mean and include "The Licensing Act 1873" and any Act which may hereafter be passed repealing or amending the same "The Court" shall mean the Licensing Court constituted under the provisions of the said Act "Licensed Publican" shall mean any person holding a publican's license issued under the said Act.

Interpretation

4. The amount to be paid on the issue of any license under the provisions of the said Act within the Province of Wellington shall be the amount set opposite the name of each license respectively in the second schedule hereto Provided always that in the case of any house not situated

Amount of
Fees.

Second
Schedule.

within any City Town or Borough the amount of fee shall be such as shall be fixed by the Superintendent by and with the advice of his Executive Council.

Appropriation
of Fees.

5. All fees payable for licenses issued within the Province under the provisions of the said Act shall be paid to the Provincial Treasurer and shall form part of the general revenue of the Province and shall be subject to appropriation by the Superintendent and Provincial Council.

Quarterly
meetings.

6. On the third Monday in the months of January April July and October in each year or on some other convenient day in the said months after the third Monday notice of which other day shall be given by the Clerk of the Court there shall be holden a meeting of the Court for the purpose of considering all applications for transferring publicans' licenses.

Hours for sale
of liquors.

7. Any licensed publican who shall sell or supply or suffer any person to sell or supply any alcoholic liquor or suffer the same to be drunk in or upon his house or premises except to travellers and lodgers and except between the hours of six in the morning and ten at night on any working day shall be liable to a penalty of not less than two nor more than twenty pounds to be recovered in a summary way and at all other hours every such house and premises shall be closed Provided always that it shall be lawful for the Court upon being satisfied that any house held by a licensed publican has been previously conducted in a proper and orderly manner or for other sufficient reason to make on any certificate granted under clause twenty-seven of the said Act an endorsement in the form in the third schedule hereto and that it shall be lawful for the holder of a certificate so endorsed upon payment to the Provincial Treasurer of a further sum of ten pounds but not otherwise to sell or supply alcoholic liquors or to suffer any other person to sell or supply alcoholic liquors in the house or on the premises to which such certificate so endorsed shall refer until twelve of the clock at night on any working day anything in this section to the contrary notwithstanding.

Extension in
certain cases.

Third
Schedule.

8. Every licensed publican shall keep his name painted in legible characters not less than three inches in length with the words "Licensed to Retail Liquors" on some conspicuous part of the house to which his license refers.

Name to be painted on house.

9. Every licensed publican shall have a lamp affixed over the front or principal door of his house and shall keep the same burning every night from sunset to the time for lawfully closing such house.

Lights to be kept.

10. If any licensed publican shall permit any game of chance or skill to be played by persons under sixteen years of age or to be played for money or money's worth by persons above that age in or upon the premises with respect to which he shall be the holder of a license under the said Act he and the parties engaged in such game shall severally be liable to a penalty not exceeding five pounds and the said licensed publican shall on a second conviction forfeit his license and be incapable of holding another within the Province of Wellington for six months after such conviction.

Penalty for gambling and allowing the same.

11. No licensed publican shall take or suffer any other person to take on his behalf anything whatever in pledge for any alcoholic liquor sold or supplied nor shall any such person take or suffer any other person to take on his behalf in payment for the same anything whatever except metallic or paper money.

Only money to be taken for liquor.

12. No licensed publican shall knowingly permit any wages to be paid in his house or upon his premises save only the wages of persons employed as servants therein.

Wages not to be paid in public house.

13. Every licensed publican shall on demand produce or cause to be produced his license to any Justice of the Peace or any constable duly authorised by writing under the hand of any Justice of the Peace.

License to be produced.

14. Any constable may demand entrance into the house of any licensed publican at any hour upon information that this Act is contravened and such constable shall be admitted to such house by the holder of the license or other person in charge of such house without any unnecessary delay.

Constable may enter house.

15. Any licensed publican who shall offend against any of the provisions herein contained shall be liable to a

Penalties.

penalty of not less than one pound nor more than twenty pounds to be recovered in a summary way.

Penalty for
drunkenness.

16. Any person who shall be convicted before any Justice of the Peace of being drunk and disorderly or drunk and incapable shall forfeit and pay a sum of not less than five shillings nor more than twenty shillings and in default thereof shall be imprisoned for any period not exceeding forty-eight hours. If any person shall have been so convicted three times within the space of six calendar months he shall upon such third conviction forfeit and pay the sum of one pound or be imprisoned for the term of not more than seven days.

Schedules.

FIRST SCHEDULE.

FIRST PART.

An Ordinance for Regulating the Sale of Fermented and Spirituous Liquors. [10th February, 1842.]

An Ordinance to Amend an Ordinance for Regulating the Sale of Fermented and Spirituous Liquors. [17th July, 1844.]

An Ordinance to Amend an Ordinance (Session II., No. 12) for Regulating the Sale of Fermented and Spirituous Liquors. [2nd August, 1851.]

SECOND PART.

An Act to Amend the Ordinances of the Legislative Council of New Zealand, Session 2, No. 12, and Session 11, No. 16. [Session I., No. 25.]

An Act to Amend the Licensing Ordinance. [Session II., No. 11.]

An Act for Amending an Ordinance passed by the Governor and Legislative Council of New Zealand, for Regulating the Sale of Fermented and Spirituous Liquors. [Session VI., No. 4.]

An Act to Amend the Ordinance of the second session of the late Legislative Council of New Zealand, No. 12. [Session VII., No. 2.]

An Act to Amend the Licensing Ordinances now in force in the Province of Wellington. [Session XIII., No. 10.]

An Act to Amend an Act of Session XIII., No. 10, of the Provincial Council of Wellington, intituled, An Act to Amend the Licensing Ordinances in force in the Province of Wellington. [Session XIV., No. 8.]

An Act to Amend the First Clause of the Licensing Amendment Act, Session XIII., No. 10. [Session XXI., No. 3.]

SECOND SCHEDULE.

Publican's License	...	...	...	£30	0	0
Wholesale License	...	...	...	5	0	0
Packet License	...	...	...	2	2	0

THIRD SCHEDULE.

The holder of the License issued in accordance with this certificate is entitled to sell or supply or to suffer to be sold or supplied until twelve of the clock at night on any working day.

A.B., Chairman of Licensing Court.